

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Carl T. Brighton

Confirmation No.: Not Yet Assigned

Application No.: 10/585,718

Group Art Unit: Not Yet Assigned

Filing Date: January 9, 2007

Examiner: Not Yet Assigned

For: SYSTEM AND METHOD OF UP-REGULATING BONE MORPHOGENETIC PROTEIN (BMP) GENE EXPRESSION IN BONE CELLS VIA THE APPLICATION OF FIELDS GENERATED BY SPECIFIC AND SELECTIVE ELECTRIC AND ELECTROMAGNETIC SIGNALS

DATE OF DEPOSIT: February 13, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or

before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
 - Certification in Accordance with § 1.97(e) is attached; or
 - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- Copies of reference numbers **34 – 36 and 69** listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of reference numbers **64 - 65** on the attached Form PTO 1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(i).
- Copies of references **1 – 33, 37 – 63 and 66 - 68** are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number **10/257,126, filed October 8, 2002 now 2003/0211084 A1 publication date November 13, 2003** for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.
- The relevance of those listed references which are not in the English language is as follows:

There are no listed references which are not in the English language.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Date: February 13, 2007

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